HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE S. ANANDA REDDY

Dated: 05-07-2007

WRIT PETITION No.14238 of 2007

Between:

M/s. Sundaram Motors
(A Division of T.V. Sunderam Iyengar and Sons Ltd.,),
67, Mahatma Gandhi Road, Secunderabad,
rep., by its Deputy Manager—Accounts
Sri G.V.P. Raja Sekhar.

..Petitioner

And

Assistant Commissioner (CT) (LTU),
Begumpet Division, Hyderabad and three others.

..Respondents

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ORAL ORDER: Per : Bilal Nazki, J

Heard the learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

The controversy is that pending an appeal, application for stay was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met, if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner, within a period of four weeks from today. For four weeks, there shall be an unconditional stay and stay shall continue till disposal of the appeal provided the amount is deposited within the stipulated time. The deposit of amount shall be without prejudice to the rights of the petitioner in appeal. If any amount has already been paid by the petitioner, the same shall be given credit to. The garnishee notice dated 29-06-2007 issued by the first respondent is quashed.

Writ petition is disposed of accordingly. No costs.

BILAL NAZKI, J

S. ANANDA REDDY, J

05-07-2007
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